



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,829	09/30/2003	Stephen Burns	021756-003300US	3773
51206 7590 12/17/2008 TOWNSEND AND TOWNSEND AND CREW LLP TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER BASEHOAR, ADAM L	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 12/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/676,829</p>	<p>Applicant(s) BURNS ET AL.</p>	
	<p>Examiner ADAM L. BASEHOAR</p>	<p>Art Unit 2178</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Adam L Basehoar/
Primary Examiner, Art Unit 2178

Continuation of 11. does NOT place the application in condition for allowance because: In regard to the substantially similar independent claims, Applicant argues that Anuff fails to teach or disclose, "generating software coding that creates a portlet." The Examiner respectfully disagrees with the Applicant. In general, the Anuff reference teaches a system for generating portlets whereby a user does not have to write software code for specifically defining the created portlets. Anuff teaches wherein the portal system is defined by an object-oriented software system comprising software objects including "components, managers and services, modules, views, pages and page ordering, layouts, users, permissions, content parsers, data storage and tasks." The client user of Anuff can then declaratively specify, via a plurality of user interfaces, access to a plurality of different content sources as well as to customize the layout and style of said data sources. Anuff teaches that a user sets these parameters during an interactive session with a displayed user front page and that based on said selections a new user front page was generated with a plurality of customized portlets. The code/rendering of said portlets being directly adjusted to meet the selections of the user. Overall, the Examiner notes that the "creating" and "generating" of software code to be broadly recited and that the extent to which each is accomplished is not clearly defined in the claims. Specifically, Applicant's assertion that dynamically generating HTML for displaying a portlet or even the general displaying of the user front page is different from generating software coding that creates a portlet is not supported by the current claim language.

As previously stated, Anuff clearly teaches generating coding representing an object that creates a graphical user interface displaying retrieved data (column 7, lines 5-24; column 13, lines 53-65: "each module generates HTML...designated by the layout"; column 14, lines 3-9: "module view object contains display logic for its module...generates the HTML for its front-page view")(Fig. 2). Here Anuff teaches generating the coding for the module view object "through any means desired" and specifically creates an object via the display logic that generates HTML for displaying some aspect of the module's data. Anuff also clearly teaches wherein the generated coding was based on user specified declarative specification of the data source (column 4, lines 12-15: "select which news sources are to be used for selection of headlines"; column 7, lines 5-25; column 10, lines 52-67; column 13, lines 53-65) and the user specified layout specification (column 2, lines 3-12; column 4, lines 6-14; column 7, lines 65-67; column 8, lines 1-64; column 13, lines 53-67: "each module generates HTML...designated by the layout"; column 14, lines 1-30)(Fig. 5a & 5b). Here Anuff teaches that the combination of the user specified content sources as well as the user specified layout arrangements were necessary to generate the coding for the module view object portlet for inclusion into the user defined front portal page.